

REMARKS

Claims 1-17 are pending in this application. Claim 18 has previously been cancelled, new claim 19 has been added and several claims amended without introducing new matter. Claims 1 and 2 are canceled herein without prejudice and without disclaimer of the subject matter contained therein. Accordingly, claims 3-17 and 19 are before the Examiner.

Priority

Applicants note with appreciation the Examiner's acknowledgement of the priority claims.

35 U.S.C. § 112

Claims 10-17 stand rejected under 35 U.S.C. § 112, first paragraph for allegedly failing to comply with the enablement requirement.

First the rejection appears to be indicating that the claims are only enabled for specific diseases. Accordingly, claims 10 and 12 have been canceled, and claims 11, 13, and 14 have been rewritten to claim methods of treatment of specified diseases or disorders.

Second, the rejection focuses on "prevention" and the alleged lack of enablement thereof. Applicants note that although the rejection focuses on the term "prevention", that word is not present in any of Applicants' claims. The Office, as it is known to do, apparently equates "prophylaxis" with "prevention" and appears to require evidence of complete prevention. Although we maintain this level of inquiry is more appropriate to the FDA, in the interest of advancing the case, the term "prophylaxis" has been deleted to bring about allowance of the claims.

Applicants respectfully assert that all requirements of 35 U.S.C. § 112 are now met.

Withdrawal of the rejection is respectfully requested.

Allowable claims

Applicants note with appreciation the indication that claim 7 is allowable, and that claims 3 and 9 would be allowable if rewritten in independent form.

35 U.S.C. § 102

Claims 1-2, 4-6, and 8 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Cappelli et al. Applicants respectfully assert that with the cancellation of claims 1 and 2, and amendments to claim 4, that all claims are now in condition for allowance. Reconsideration and allowance of all pending claims is respectfully requested.

The Commissioner is hereby authorized to charge any fee or underpayment thereof or credit any overpayment to Deposit Account No. 26-0166.

Early reconsideration and allowance of all pending claims is respectfully requested. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

Respectfully submitted,
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